

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:23-CV-00568-M-BM

JEFFREY WAYNE PHILLIPS,)
Plaintiff,)
v.)
CREATIVE WEBSITE STUDIOS, et al.,)
Defendants.)

ORDER

This matter comes before the court on *pro se* plaintiff Jeffrey Wayne Phillips’ (“Plaintiff”) motion for summary judgment [DE 31]. Pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Brian S. Meyers entered a memorandum and recommendation (“M&R”) [DE 42], recommending that the court deny Plaintiff’s motion [DE 31]. Plaintiff has not filed any objections to the M&R.¹

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). The court does not perform a de novo review where a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.” *Stokes v. Berryhill*, 294 F. Supp. 3d 460, 462 (E.D.N.C.

¹ Plaintiff did file written objections [DE 43] [DE 44] to Magistrate Judge Meyers' separate memorandum and recommendation [DE 41] regarding dismissal of defendant Saira Ali. No objections were received regarding the instant M&R.

2018) (quoting *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982)). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, it is hereby ORDERED that Plaintiff's motion for summary judgment [DE 31] is DENIED.

SO ORDERED this 23 of September, 2024.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE